

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

KALMAN ISAACS, Individually and on Behalf
of All Others Similarly Situated,

Plaintiff,

v.

ELON MUSK and TESLA, INC.,

Defendants.

Case No. 3:18-cv-04865-EMC

**[PROPOSED] ORDER GRANTING
THE MOTION OF JAMES JOHNSON
FOR CONSOLIDATION OF
RELATED ACTIONS,
APPOINTMENT AS LEAD
PLAINTIFF, AND APPROVAL OF
HIS SELECTION OF LEAD
COUNSEL**

Date: November 15, 2018
Time: 1:30 p.m.
Courtroom: 5, 17th Floor
Judge: Hon. Edward M. Chen

ORAL ARGUMENT REQUESTED

WILLIAM CHAMBERLAIN, Individually and
on Behalf of All Others Similarly Situated,

Plaintiff,

v.

TESLA, INC. and ELON MUSK,

Defendants.

Case No. 3:18-cv-04876-EMC

JOHN YEAGER, Individually and on Behalf of
All Others Similarly Situated,

Case No. 3:18-cv-04912-EMC

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Plaintiff,

v.

TESLA, INC. and ELON MUSK,

Defendants.

CARLOS MAIA, Individually and on Behalf of
All Others Similarly Situated,

Plaintiff,

v.

TESLA, INC. and ELON R. MUSK,

Defendants.

KEWAL DUA, Individually and on Behalf of
All Others Similarly Situated,

Plaintiff,

v.

TESLA, INC. and ELON MUSK,

Defendants.

JOSHUA HORWITZ, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

v.

TESLA, INC. and ELON R. MUSK

Defendants.

ANDREW E. LEFT, Individually and on Behalf
of All Others Similarly Situated,

Plaintiff,

v.

TESLA, INC. and ELON R. MUSK,

Defendants.

ZHI XING FAN, Individually and on Behalf of
All Others Similarly Situated,

Case No. 3:18-cv-04939-EMC

Case No. 3:18-cv-04948-EMC

Case No. 3:18-cv-05258-EMC

Case No. 3:18-cv-05463-EMC

Case No. 3:18-cv-05470-EMC

Plaintiff,

v.

TESLA, INC. and ELON R. MUSK,

Defendants.

SHAHRAM SODEIFI, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

v.

TESLA, INC., a Delaware corporation, and
ELON R. MUSK, an individual,

Defendants.

Case No. 3:18-cv-05899-EMC

1 Having considered the motion of James Johnson for entry of an Order: (1) consolidating the
 2 above-captioned related actions; (2) appointing James Johnson as lead plaintiff in this action
 3 pursuant to the Private Securities Litigation Reform Act of 1995 (“PSLRA”), 15 U.S.C. §78u-4, et
 4 seq., and (3) approving its selection of the law firm of Hagens Berman Sobol Shapiro LLP (“Hagens
 5 Berman”) as lead counsel, and with good cause appearing therefor, IT IS HEREBY ORDERED
 6 THAT:

7 1. Pursuant to Rule 42(a) of the Federal Rules of Civil Procedure, the above-captioned
 8 actions (the “Consolidated Action”) are consolidated for all purposes into Case No. 3:18-cv-04865-
 9 EMC. This Order applies to the Consolidated Action and each subsequently filed case in this Court
 10 that relates to the same subject matter as the Consolidated Action.

11 2. A Master File is established for this proceeding. The Master File shall be Case No.
 12 3:18-cv-04865-EMC. The Clerk shall file all pleadings in the Master File and note such filings on
 13 the Master Docket. The caption for the Consolidated Action is changed to: In re. Tesla, Inc.
 14 Securities Litigation.

15 3. The Court requests the assistance of counsel in calling to the attention of the Clerk of
 16 this Court the filing or transfer of any case which might properly be consolidated as part of the
 17 Consolidated Action.

18 4. When a case that arises out of the same subject matter as the Consolidated Action is
 19 hereinafter filed in this Court or transferred from another court, the Clerk of this Court shall:

- 20 a. File a copy of this Order in the separate file for such action;
- 21 b. Mail a copy of this Order to the attorneys for the plaintiff(s) in the newly filed
 22 or transferred case, and to any new defendant(s) in the newly-filed case; and
- 23 c. Make the appropriate entry in the Master Docket for the Consolidated Action.

24 5. Each new case that arises out of the subject matter of the Consolidated Action shall be
 25 consolidated with the Consolidated Action. This Order shall apply thereto, unless a party objects to
 26 any provision of this Order, within ten (10) days after the date upon which a copy of this Order is
 27 served on counsel for such party by filing an application for relief, and this Court deems it
 28

1 appropriate to grant such application. Nothing in the foregoing shall be construed as a waiver of
2 Defendants' right to object to the consolidation of any subsequently-filed or transferred related
3 action.

4 6. The Court hereby appoints the James Johnson as Lead Plaintiff in this action. James
5 Johnson satisfies the requirements for lead plaintiff appointment under the Securities Exchange Act
6 of 1934 (the "Exchange Act"), as amended by the Private Securities Litigation Reform Act;

7 7. Lead Plaintiff has selected and retained Hagens Berman Sobol Shapiro LLP as Lead
8 Counsel, and the Court approves those selections;

9 8. Lead Counsel shall have the following responsibilities and duties:

- 10 a. to coordinate the briefing and argument of motions;
- 11 b. to coordinate the conduct of discovery proceedings;
- 12 c. to coordinate the examination of witnesses in depositions;
- 13 d. to coordinate the selection of counsel to act as a spokesperson at pretrial
14 conferences;
- 15 e. to call meetings of the plaintiffs' counsel as they deem necessary and
16 appropriate from time to time;
- 17 f. to coordinate all settlement negotiations with counsel for defendants;
- 18 g. to coordinate and direct the pretrial discovery proceedings and the preparation
19 for trial and the trial of this matter and to delegate work responsibilities to selected counsel as
20 may be required; and
- 21 h. to supervise any other matters concerning the prosecution, resolution or
22 settlement of this action.

23 9. No motion, request for discovery, or other pretrial proceedings shall be initiated or
24 filed by any plaintiffs without the approval of Lead Counsel, so as to prevent duplicative pleadings
25 or discovery by plaintiffs. No settlement negotiations shall be conducted without the approval of
26 Lead Counsel;

1 10. Counsel in any related action that is consolidated with this action shall be bound by
2 this selection of Lead Counsel;

3 11. Lead Counsel shall have the responsibility of receiving and disseminating Court
4 orders and notices;

5 12. Defendants may effect service of papers on plaintiffs by filing such papers with the
6 Court's CM/ECF system.

7 IT IS SO ORDERED.

8 DATED: October ____, 2018

9 THE HONORABLE EDWARD M. CHEN
10 UNITED STATES DISTRICT JUDGE

11 October 9, 2018

12 Respectfully submitted,

13 /s/ Michael W. Stocker

14 Michael W. Stocker (179083)

15 Reed R. Kathrein (139304)

16 Kristen McCulloch (177558)

17 Danielle Smith (291237)

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